

Public Notice

U.S. Army Corps of Engineers, Norfolk District

February 22, 2007

CENAO-REG
07-V0293/NAO-2007-770

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Edinburgh North, LLC
1081 19th Street, Suite 202
Virginia Beach, Virginia 23451

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in nontidal forested wetlands, a tributary to Coopers Ditch which flows to the Intracoastal Waterway, at the northwest corner of the intersection of Hillcrest Parkway and the Chesapeake Expressway in the Edinburgh PUD, in Chesapeake, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to impact 0.86 acres of forested wetlands for 12,500 square feet of commercial development. The impacts to wetlands will be mitigated by purchasing 1.72 acres of credits from the Great Dismal Swamp Restoration Bank, LLC Edge Farm site.

Previously, a permit for impacts to 36.8 acres of forested wetlands and 2.99 acres of farmed wetlands was issued to the City of Chesapeake in 1998 for construction of the Route 168 Bypass. Total impacts to wetlands associated with the Bypass itself and with the Hillcrest Parkway on/off ramps were approximately 10.5+ acres of forested wetlands. In addition, a Nationwide Permit number 32 was issued for impacts to approximately 75.40 acres of forested wetlands on the Edinburgh PUD property for commercial development (mitigation was provided for these impacts). A permit for impacts to 0.465 acres of forested wetlands and 1.501 acres of emergent wetlands for residential development on the northern portion of the Edinburgh PUD (an area consisting predominantly of agricultural fields) has been issued. The City of Chesapeake obtained a permit to impact 0.781 acres of forested wetlands and secondarily impact 0.813 acres of forested wetlands for upgrades to the southbound exit to Hillcrest Parkway.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed

activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

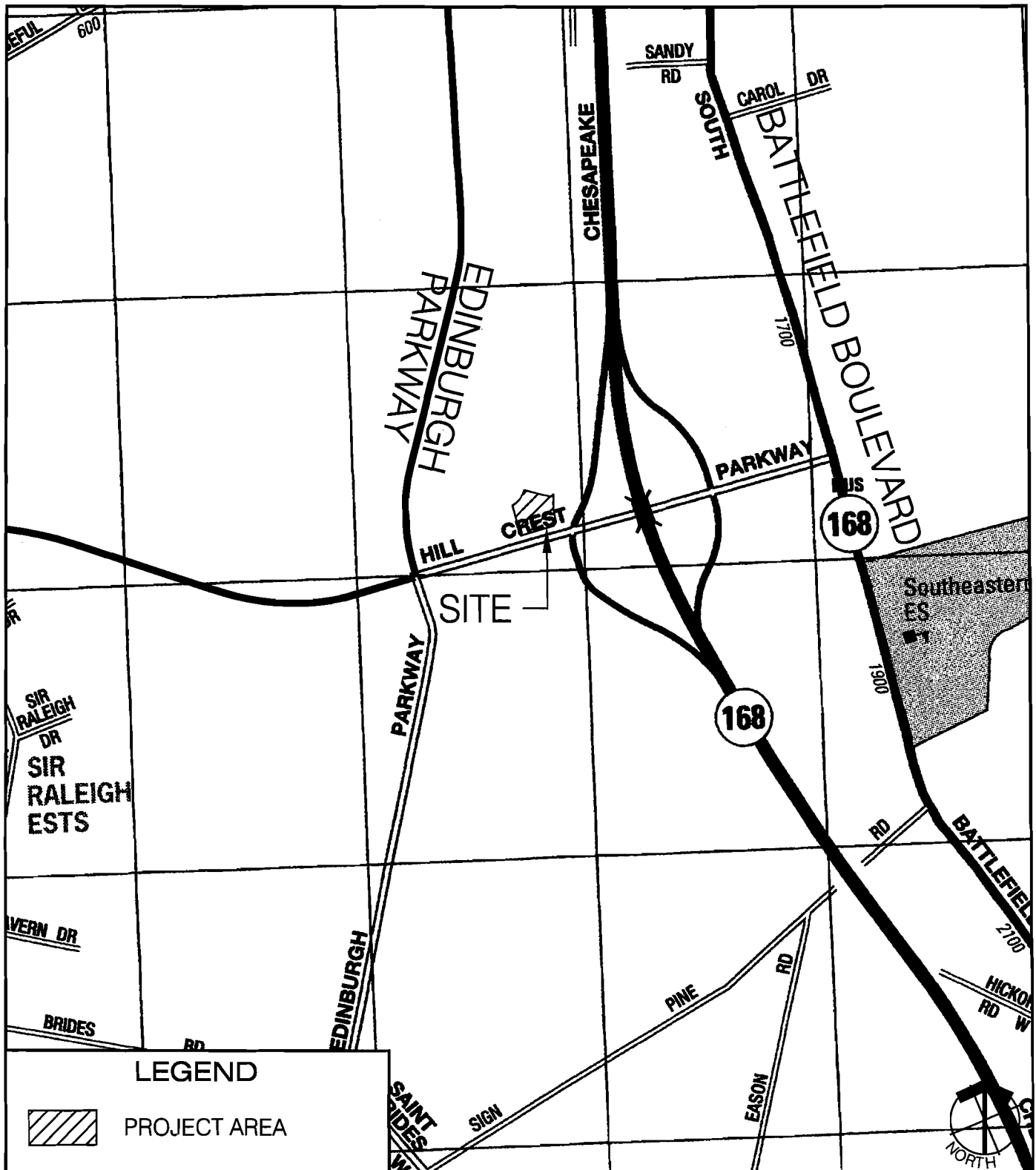
COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on **March 23, 2007**.

If you have any questions about this project or the permit process, please call:
Robert Berg (757) 201-7793

FOR THE DISTRICT COMMANDER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachment: Drawings



LEGEND



PROJECT AREA



**Kerr Environmental
Services Corp.**

*Sustainable Ecological Restoration
and Environmental Consulting*

1008 Old Virginia Beach Road
Suite 200
Virginia Beach, VA 23451

Ph: 757 963 2008
Fax: 757 963 8322

LOCATION MAP

PARCEL N9 DEVELOPMENT

JOINT PERMIT APPLICATION

EDINBURGH PARKWAY & HILLCREST PARKWAY
PLEASANT GROVE BOROUGH CHESAPEAKE, VIRGINIA

SCALE

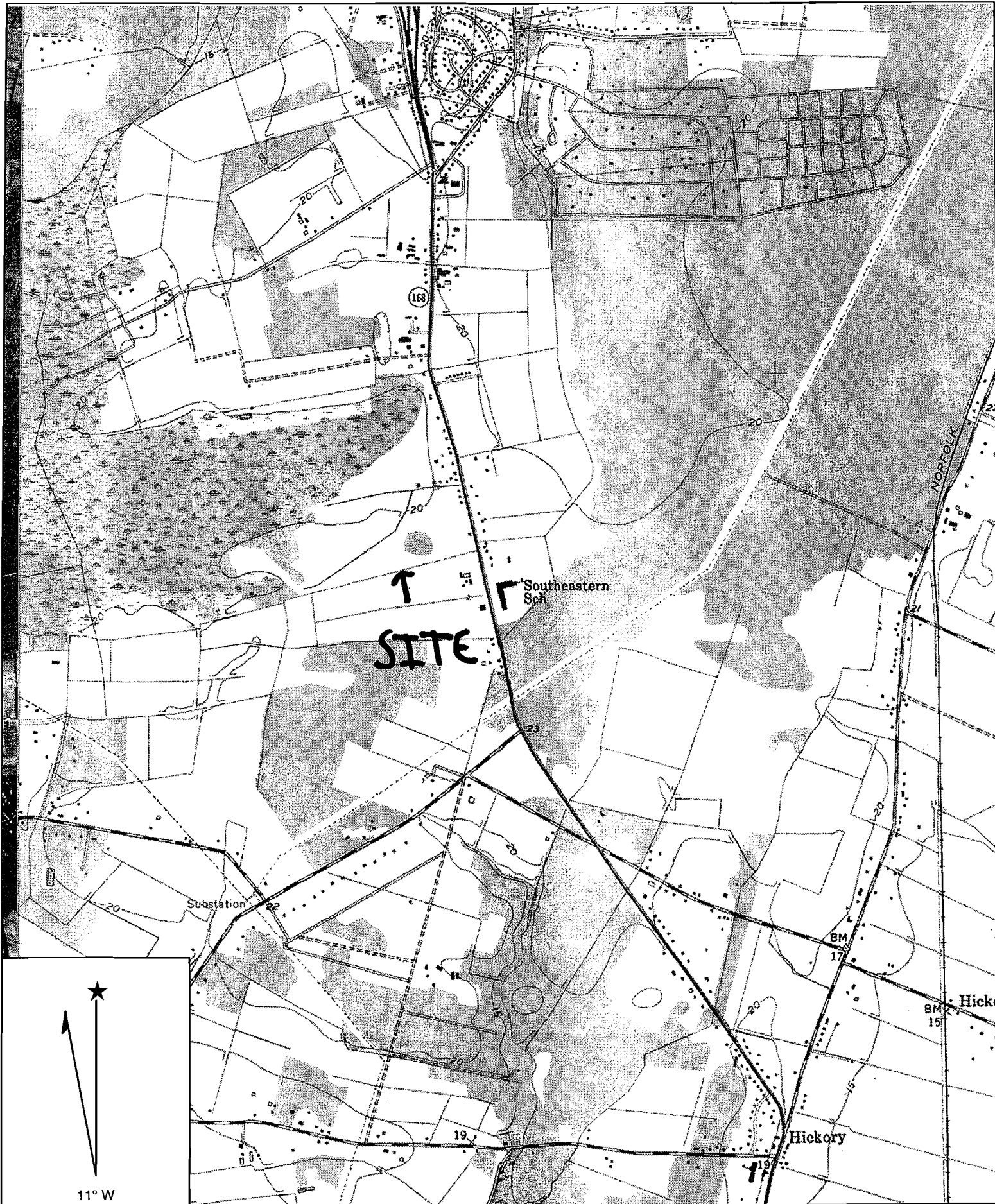


DATE

12/15/06

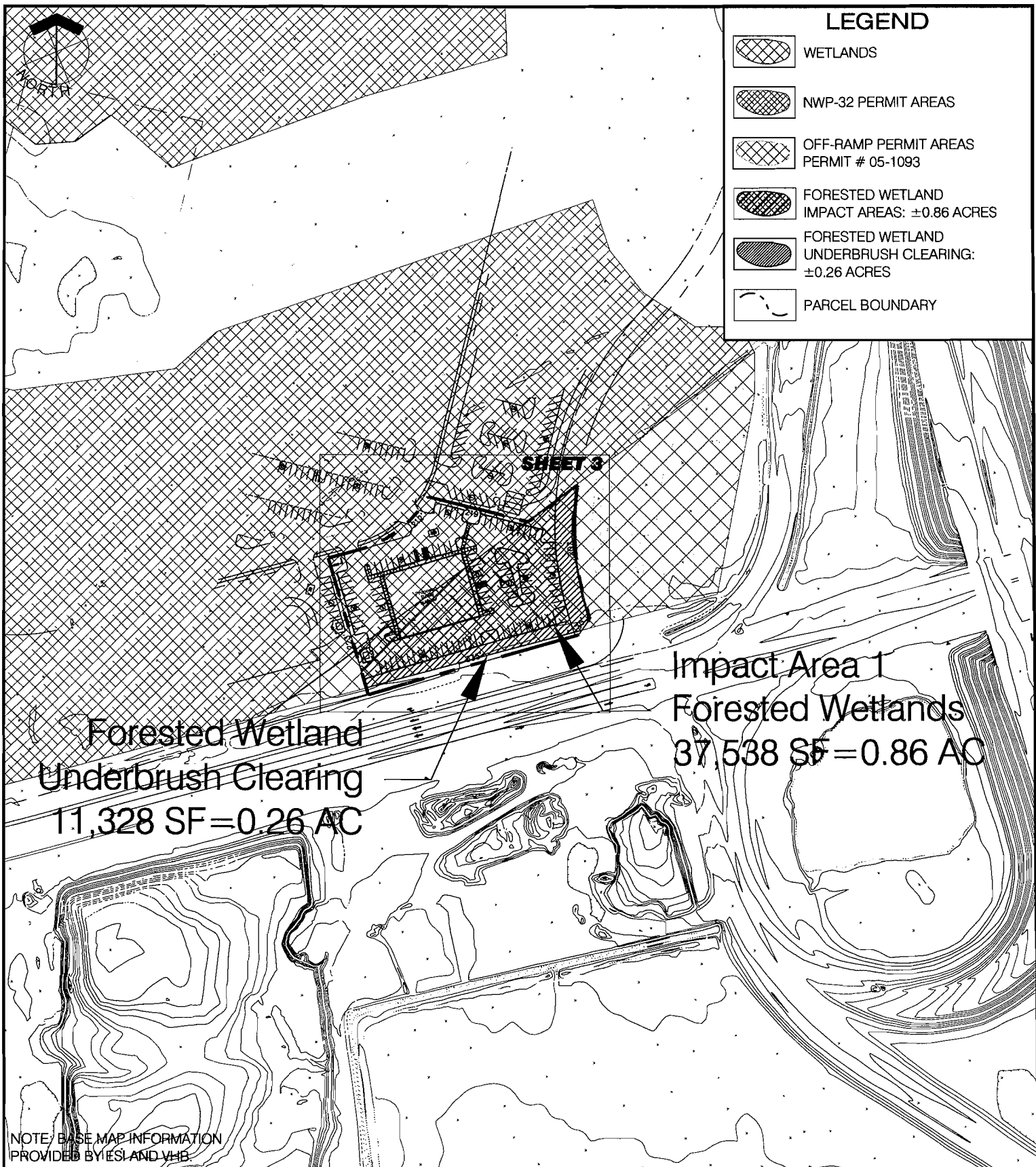
SHEET

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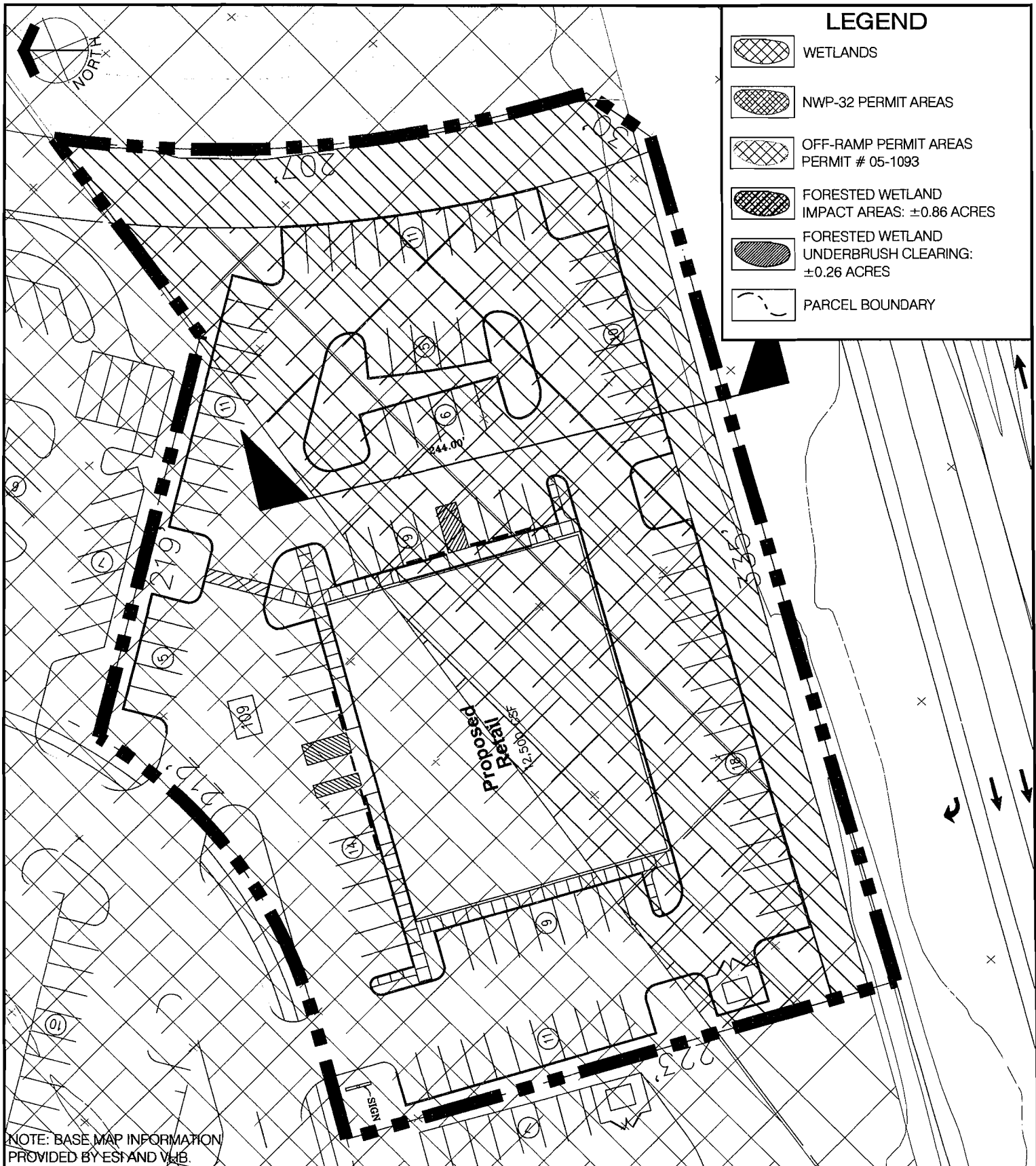


Name: FENTRESS
Date: 2/20/2007
Scale: 1 inch equals 2000 feet

Location: 036° 39' 23.01" N 076° 13' 24.05" W
Caption: Fentress Quad



 <p>Kerr Environmental Services Corp. <i>Sustainable Ecological Restoration and Environmental Consulting</i></p> <p>1008 Old Virginia Beach Road Suite 200 Virginia Beach, VA 23451</p> <p>Ph: 757 963 2008 Fax: 757 963 8322</p>	<p>SITE MAP</p> <p>JOINT PERMIT APPLICATION PARCEL N9 DEVELOPMENT EDINBURGH PUD EDINBURGH PARKWAY & HILLCREST PARKWAY PLEASANT GROVE BOROUGH CHESAPEAKE, VIRGINIA</p>		<p>SCALE</p> <p>0 100 200</p>	
			<p>DATE</p> <p>02/05/07</p>	<p>SHEET</p> <p>2</p>



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IMPACTS MAP

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